

Patrick & Jessica Deering

Valley Springs, SD 57068

March 26, 2022

South Dakota Public Utilities Commission
Capitol Building 1st Floor
500 E Capitol Avenue
Pierre, SD 57501

RE: Summit Carbon Solutions CO2 Pipeline (Docket #HP22-001)

Dear Commissioners of the SD Public Utilities Commission,

We are writing this letter to express our opposition to the CO2 transmission pipeline proposed by Summit Carbon Solutions (Summit). We are landowners in Minnehaha County with property along the proposed Navigator Heartland Greenway pipeline and within a half mile of an alternate route for the Summit CO2 pipeline. As the Commission considers the permit submitted by Summit to transport hazardous materials, we ask that you consider our concerns regarding the threat that this pipeline poses to public safety and the impact this pipeline will have on the economic conditions of the inhabitants along the proposed route.

Threat to Public Safety

Like many other landowners along the proposed pipeline our home will be located within 500 feet of CO2 pipeline. Summit has stated that their project includes 469 miles of pipeline in South Dakota with 16 mainline valves, 4 pump stations and 5 launching/receiving stations throughout the state. That's an average of 20-30 miles of 20" diameter pipeline between isolation points. In the case of a pipeline break, several miles of liquified CO2 pressurized to over 2,000 psi will be released into the atmosphere. This poses a direct threat of injury or death to anyone within close proximity of the break. Neither Summit nor Navigator have given a clear indication of the amount of CO2 that would be released from a break or how large of an area would be affected by a leak. We feel it is impossible for the Commission to fully consider the risk to the public without knowing an answer to these questions. We can say with near certainty that being within 500 feet of the pipeline would be too close to avoid a life-threatening risk to our family.

No matter how rigorous the construction standards are for assembling these pipelines, it is a guarantee that eventually the pipeline will have a break and it is just a matter of where, when and who gets affected. Hopefully that break occurs in an empty field where the only impact is to crop land where remediation of the land is the only consequence. Unfortunately, there is also a chance that the pipeline break will endanger people in a home, school, church or other public place. Any risk of injury or death is too much risk for the sake of a project that does not provide any public benefit and the only benefits are to private investors.

Health Effects of Carbon Dioxide

In a report published by the EPA in 2000 titled Carbon Dioxide as a Fire Suppressant: Examining the Risks, the EPA lists the acute health effects of carbon dioxide exposure. When carbon dioxide is used for a fire suppressant the report states "At concentrations greater than 17 percent, such as those encountered during carbon dioxide fire suppressant use, loss of controlled and purposeful activity, unconsciousness, convulsions, coma, and death

occur within 1 minute of initial inhalation of carbon dioxide. At exposures between 10 and 15 percent, carbon dioxide has been shown to cause unconsciousness, drowsiness, severe muscle twitching, and dizziness within several minutes." These effects are possible from the relatively modest amounts of carbon dioxide released from fire suppressant systems, the effects would be much greater and more widespread when being released from miles of large diameter pipeline. The normal concentration of carbon dioxide in the atmosphere is 0.03 percent. According to the EPA report, at concentrations of 7 percent the maximum exposure limit for carbon dioxide is less than 3 minutes before physiological effects start to occur.

Risk to Emergency Responders

According to the International Journal of Emergency Medicine, carbon dioxide is odorless and colorless and 1.5 times denser than air so it will stay near the ground in high concentrations until dispersed over time. This creates a low oxygen environment that poses a threat to any person or animal in the area. It also makes it impossible for combustion vehicles to operate in the affected area, limiting the response of emergency responders and preventing anyone in the vicinity of the leak from quickly evacuating. Due to the rural nature of these pipelines many of the first responders will not be properly equipped or trained to respond to the dangers of a CO2 pipeline break.

Economic Impact to Landowners

Besides the safety concerns posed by the Summit and Navigator CO2 pipelines, there will also be an impact to the social and economic condition of landowners whose property is crossed by one of these projects. Summit has stated the need for a 100-foot temporary easement for construction and a 50-foot easement for operation. Their easement permanently encumbers the property it crosses, limiting the land's future use, lowering its property value and making it difficult to sell the property at market price. This is true even for properties that are merely in the vicinity of the pipeline. This is a direct impact to our economic condition and to the condition of other landowners along the pipeline routes. For farmland crossed by the CO2 projects, experience with other pipelines has shown permanent damage to the fertility of the cropland. This damage results in reduced yields and financial losses well beyond the damages reimbursed by the pipeline companies.

The Summit and Navigator pipelines are being financed by private investors for the purpose of making a profit, not for the benefit of the public. This is not a public infrastructure project to help the residents of South Dakota, it is a private venture for the sole benefit of its investors and the industries that they partner with. The gains sought by these companies should not come at the expense of the safety and livelihood of the landowners in their path. We landowners are expected to carry all of the risk associated with their hazardous pipelines with none of the substantial financial gain that these companies will make. There is no insurance available to landowners to cover the health and economic risk being placed on our property, leaving landowners at the mercy of the pipeline companies to act in good faith to correct the damages that they cause. Because the easements don't expire, these risks will perpetually exist for all current and future landowners, again with no compensation or consideration for the hardships inflicted by these companies. If there is ever a dispute between the landowner and the pipeline company about the liability of a pipeline break, the landowner is burdened with the expense of hiring a lawyer to help resolve the disagreement. Compared to the resources available to the pipeline company, the landowner will be at a distinct disadvantage with no other recourse than an expensive lawsuit to protect themselves; all for the sake of a pipeline that provides no benefit to the landowner.

Threat of Eminent Domain

We leave the topic of eminent domain as our final concern because it has been the PUC's position that they have no control over its granting, but it is a threat so concerning that we can't leave it unmentioned. If the PUC grants the permit to Summit or Navigator for the construction of one of the proposed CO2 pipelines, it will also be granting the power of eminent domain. It is incomprehensible that these companies could forcibly take a

person's land without any recourse for the landowner to stop this action when that taking comes with such significant safety and economic impact. It is the biggest reason why the vast majority of landowners oppose these projects. Whether the landowner's concern is primarily health related or financial, there is no opportunity to avoid the risks posed by the pipeline if Summit or Navigator are given the sole discretion to impose their pipeline on unwilling landowners. The PUC may not be granting the right of eminent domain, but by approving Summit's permit that is effectively what the Commission will be subjecting South Dakota residents to.

Deny Summit's Permit Application

We ask that the Commission take our objections into consideration as you make your decision on the proposed Summit CO2 pipeline. The pipeline will unnecessarily put our family's safety at risk and will unfairly impact the use and value of our land and that of our neighbors. Please protect the rights of your fellow South Dakotans and deny the permit application made by Summit Carbon Solutions.

Respectfully,

A handwritten signature in blue ink that reads "Patrick Deering & Jessica Deering". The signature is written in a cursive style with a small ampersand between the two names.

Patrick & Jessica Deering